

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly assisted Applicant in responding.

2. The Examiner stated that because the submitted declaration of prior invention was after the first Office Action, that the present Office Action is thus made Final.

Applicant respectfully requests that the Examiner withdraw the finality because submitting the declaration of prior invention did not necessitate another search by the Examiner. Applicant is fully aware that the decision to make an Office Action that is not the first Office Action final is at the Examiner's discretion. Applicant thanks the Examiner in advance for a reconsideration.

3. **Amendment to the Specification.**

Applicant submits that only typographical and grammatical changes were made and that no new matter was entered.

In particular, please note that:

- On page 6, the type in bold should all be italicized and a period added at the end; and
- On page 11, the type in bold should all be italicized.

4. **35 U.S.C. §102(a).** The Examiner has rejected Claims 3, 4, 6, 7, and 9-15 under 35 U.S.C. §102(a) as being anticipated by Ron R. Hightower *et al* (1998).

Applicant has amended Claims 3, 4, 6, 7, 9, and 10-14. In view of the amendments and of the argument hereinbelow, Applicant is of the opinion that Claims 3, 4, 6, 7, 9, and 10-14 (and the respective dependent claims) are deemed to be in allowable condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(a).

5. **35 U.S.C. §102(a).** The Examiner has rejected Claim 8 under 35 U.S.C. §102(a) as being anticipated by Benjamin B. Bederson *et al* (1997).

Applicant has amended Claim 8. In view of the amendments and of the argument hereinbelow, Applicant is of the opinion that Claim 8 is deemed to be in allowable condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(a).

6. **35 U.S.C. §103(a).** The Examiner has rejected Claim 1, 2, and 5 under 35 U.S.C. §103(a) as being unpatentable by Ron R. Hightower *et al* (1998) in view of Admitted Prior Art (Fig. 1).

Applicant respectfully disagrees.

First, on page 9, the Examiner says, "The Admitted Prior Art, however, discloses a condition path (Fig. 1, paragraph 0015)." Applicant respectfully points out to the Examiner that what is claim is **always showing a condition path in said display** (emphasis added).

Fig. 1 does not **always showing a condition path in said display**. Looking at Fig. 1, the segment to the left is truncated. Nowhere else on Fig. 1 **is shown the condition path**. Hence, Fig. 1 is not proper prior art.

Next, the Examiner cites paragraph 0015. Applicant respectfully points out to the Examiner that the patent application is not annotated with paragraph numbers, but by page and line numbers. However, Applicant counted paragraphs beginning with the section, DETAILED DESCRIPTION OF THE INVENTION, and is assuming that the paragraph the Examiner is referring to is as follows:

As described above the condition path, i.e. the path of segments from the top of the strategy of the strategy to the focus segment, is a critical piece of information to the viewer of a strategy in identifying which branch of the strategy is currently displayed and where the branch is located within the strategy. The technique herein disclosed always displays the set of conditions needed to reach the single segment currently selected as the focus segment.

Applicant submits that this is part of the invention and is not prior art. Nowhere does it say, as in the other sections, "the traditional approach" Applicant is teaching how to implement a design principal. Nowhere has Applicant admitted that such teaching is prior art. The fact that a principle exists does not imply a prior art teaching of such principle. In fact, Applicant specifically stated that there are no tools presently available (at the time of the invention was made) for such principle. Support is found on page 4, lines 4-9 (emphasis added):

The sequence of conditions that must be met in order to reach any segment in the strategy is the condition path. The condition path is a critical element of a segment of the strategy because it answers the questions "How do I get here?" and "What does this segment of the strategy mean?" Despite this critical need, **none of the current tools** provides a way to view the condition path easily.

Hence, **always showing a condition path in said display** is not Admitted Prior Art.

Next, the Examiner stated that it would have been obvious to modify the link or path of Hightower with a condition path of the admitted prior art because as a user navigates from one node to another node he/she may be able to know where he/she is in the map or how many links away from a target node.

Applicant submits that such conclusion is attempting to use inadmissible hindsight. Nowhere does Hightower teach or contemplate modifying the link or path with a condition path.

Further, the Examiner stated that the suggestion/motivation for doing so would have been to enable the user to visualize the interaction with the displayed nodes in the map (Hightower, Abstract).

Hightower teaches zoom in, zoom out, show all, and top. In Figure 2, Hightower shows zooming in on National Park Service, but nowhere does Hightower contemplate **always showing a condition path in said display**.

On the second page of Hightower, Hightower says, "Pad++ allows users to zoom in and out to explicitly control how much context is viewed at any time." Such admission clearly teaches away from **always showing a condition path in said display**.

Therefore, neither prior art references, alone or in combination, teach, suggest, or contemplate **always showing a condition path in said display**. Hence, Claims 1, 2, and 5 are deemed to be in allowable condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

7. It should be appreciated that Applicant has elected to amend the Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Final Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

Respectfully Submitted,



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